

House Concurrent Resolution No. 8

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES PARKINSON (Sponsor), KELLEY (127), SOMMER,
SMITH (120), BRATTIN, SOLON, LAIR, CURTMAN, LICHTENEGGER, FRANKLIN, HIGDON,
CONWAY (104), GUERNSEY, BURLISON, FITZWATER, RIDDLE, MCCAHERTY,
GATSCHENBERGER AND DIEHL (Co-sponsors).

0150H.03I

AN ACT

Relating to the Obama Administration's proposal that the Senate of the United States consider adoption of a United Nations Arms Trade Treaty.

Be it enacted by the General Assembly of the state of Missouri, as follows:

2 **WHEREAS**, the "First Law of Nature" has long been held to be the natural and
3 fundamental right of all persons to "self preservation", "self-defense", and a "right of revolution"
4 against any and all dangers to life, liberty, and property; and

5 **WHEREAS**, this first law of nature is ensconced in both a collective and an individual
6 right to keep and bear arms, a right that has been recognized in English law since the adoption
7 of the English Bill of Rights of 1689; and

8
9 **WHEREAS**, the Founding Fathers of the United States of America codified that
10 individual and collective right by adoption and ratification of the Second Amendment to the
11 Constitution of the United States; and

12 **WHEREAS**, the Second Amendment to the Constitution of the United States reads as
13 follows: "A well regulated militia being necessary to the security of a free state, the right of the
14 people to keep and bear arms shall not be infringed"; and

15
16 **WHEREAS**, such codification of the individual right to keep and bear arms is derivative
17 of the natural right and not the creation of a new right, a fact which has been recognized by the
18 Supreme Court of the United States; and

19
20 **WHEREAS**, the existence and recognition of such an individual right is necessary to
21 resist invasion, dissuade a tyrannical government, and to empower citizens in maintaining the
22 natural right of self-defense, and is as essential as the collective right; and

23

24 **WHEREAS**, our nation’s Founding Fathers expressed a deep belief in the individual
25 right to keep and bear arms, expressed by Patrick Henry in Virginia’s constitutional ratification
26 convention on June 5, 1788, with the words: “Guard with jealous attention the public liberty.
27 Suspect everyone who approaches that jewel. Unfortunately, nothing will preserve it but
28 downright force. Whenever you give up that force, you are inevitably ruined. . . .”; and
29

30 **WHEREAS**, the individual right to keep and bear arms has been upheld by court
31 opinions over the 225 years since the original thirteen states ratified the Constitution of the
32 United States, most recently in *District of Columbia v. Heller* and in *McDonald v. Chicago*; and

33 **WHEREAS**, the state of Missouri further codifies the individual right to keep and bear
34 arms in the Missouri Constitution’s Bill of Rights, wherein Article I, Section 23 states, “That the
35 right of every citizen to keep and bear arms in defense of his home, person and property, or when
36 lawfully summoned in aid of the civil power, shall not be questioned. . . .”; and

37 **WHEREAS**, the United States Mission to the United Nations voted in November 2012
38 to move the Draft Paper for the United Nations Arms Trade Treaty (hereinafter the “Treaty”) out
39 of the General Disarmament Committee to the full body of the United Nations for a vote on
40 finalization of the Treaty in March 2013; and

41 **WHEREAS**, the current form of the Treaty covers both traditional military munitions
42 as well as “small arms and light weapons” and does not distinguish between arms such as rockets
43 from vastly and distinctly different arms such as handguns, rifles, or shotguns; and

44 **WHEREAS**, the Treaty would allow for an expansion of federal firearms controls on the
45 transportation of arms across national territory, require maintaining records of all arms within
46 the territory of a country which would include the identity of individual users, and create an
47 obligation that would require the United States to take measures that would infringe on the
48 individual right to keep and bear arms; and

49 **WHEREAS**, passages of the Treaty as currently drafted are written so broadly as to not
50 only possibly impair or render our military unable to assert the national right of self-defense
51 against other nations, but to also subject citizens of the United States to violation of international
52 laws within the borders of the United States; and

53 **WHEREAS**, ratification of the Treaty would erroneously encourage politicians and
54 courts to view the treaty power as a separate source of federal authority for the regulation of
55 purely intrastate matters expressly delegated to the states, including the criminal law of self-
56 defense and the individual right to keep and bear arms; and

57 **WHEREAS**, the harmful potential of the Treaty led a bipartisan coalition of fifty-one
58 United States Senators, including The Honorable Roy Blunt of our great state of Missouri, to
59 express the strongest expression of concern and opposition on the potentially devastating
60 consequences of the Treaty to President Barack Obama and Secretary of State Hillary Clinton
61 in a letter dated July 26, 2012; and

62 **WHEREAS**, the adoption of the Treaty, or any document with as broad a scope as the
63 Treaty as to imperil the individual and collective right to keep and bear arms, would constitute
64 an absolute abandonment of the oath of office upon which every federal elected official, federal
65 civilian employee, and military servicemember swears to upon entering office, namely the oath
66 to either “preserve, protect, and defend the Constitution of the United States” or to “support and
67 defend the Constitution of the United States against all enemies, foreign and domestic”:

68 **NOW, THEREFORE, BE IT RESOLVED** that the members of the Missouri House
69 of Representatives, Ninety-seventh General Assembly, First Regular Session, the Senate
70 concurring therein, hereby expresses its opposition to the current form of the United Nations
71 Arms Trade Treaty, as well as to any treaty that infringes on the individual or collective right to
72 keep and bear arms, in the strongest and most unequivocal terms; and

73 **BE IT FURTHER RESOLVED** that the Missouri House of Representatives and the
74 Missouri Senate, as duly elected representatives of the will of the people of Missouri, strongly
75 urge the President of the United States, the United States Secretary of State, the Ambassador of
76 the United States to the United Nations, and all members of the United States Senate to soundly
77 reject the current form of the United Nations Arms Trade Treaty or any other treaty which would
78 endanger the individual or collective right to keep and bear arms; and

79 **BE IT FURTHER RESOLVED** that this resolution shall serve as notice to the federal
80 government that the State of Missouri hereby claims, for its citizenry, the natural right and the
81 codified right for both the state militia and the individual citizens of Missouri to keep and bear
82 arms, in compliance with the Second Amendment to the Constitution of the United States and
83 the Missouri Constitution’s Bill of Rights, and will take all measures against all enemies, foreign
84 and domestic, to preserve this right in accordance with the Constitutions of both the United
85 States and of the State of Missouri; and

86 **BE IT FURTHER RESOLVED** that the Chief Clerk of the Missouri House of
87 Representatives be instructed to prepare a properly inscribed copy of this resolution for the
88 President of the United States, the President of the United States Senate, the Speaker of the
89 United States House of Representatives, the United States Secretary of State, the Ambassador
90 of the United States to the United Nations, each member of the United States Senate, the
91 Governor of each state, the Speaker of the House and President of the Senate of each state’s
92 legislature, and each member of the Missouri Congressional delegation.

✓